

REMARKS

Claims 2-4 and 7 have been canceled. Claim 1 has been amended to include the substance of claims 2-4 and 7. Claim 5 has been amended as a matter of form. Claims 8-10 have been added. Claims 8-10 are substantially similar to the claims in the corresponding Japanese patent 4002484 issued on August 24, 2007. Claims 1, 5, and 6 are system claims which generally correspond to method claims 8-10.

The withdrawal of the previous ground of rejection under 35 U.S.C. §102 is noted with appreciation.

Claims 1-7 have been rejected under 35 U.S.C. §103 as being unpatentable over U.S. Publication 2001/0020198 to Wilson in view of Japanese Publication 10-324398 to Kazumi. This rejection is traversed.

The claims, as amended, can best be understood with reference to Figure 2 of the application. The point of sales terminal is associated with a gasoline stand. A customer first selects from among several fixed amount values (e.g., 1000 yen, 2000 yen, 3000 yen, etc.), he or she can choose to buy option items which are less than the fixed amount selected (i.e., the option items displayed have purchase values which are less than the fixed amount value selected by the customer). For example, with reference to Figure 2, if he or she selected a 2000 yen fixed amount value and then chooses to buy tobacco (260) and juice (120), he is then permitted to pump gas at a value of 1620 into his car. Item F shows that the customer gets a sales receipt and a bar coded option item ticket at the POS terminal (see claims 5, 6, 9, and 10). The customer simply presents the coupon to the cashier to retrieve his tobacco and juice.

In short, in the claimed system and method, the customer has the convenience of paying a fixed amount of money at a POS terminal where he or she can obtain both fuel and items such as tobacco, candy and juice. He does not require change. None of the references of record, alone or in combination, show or suggest the ability to make a combination of purchases (gas and other items) for a fixed amount.

In the office action, the Examiner clearly recognizes that Wilson fails to disclose deducting purchases for option items from a fixed amount specified by a customer. In fact, Wilson is focused on a system which allows tracking cash payments by customers at a service

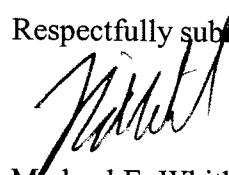
station. Rather than giving change to a customer, Wilson describes using transponder technology whereby refunds or loyalty benefits are tracked and stored in the customer's transponder (see paragraph [0105]). Thus, Wilson is teaching a completely different methodology. In the present invention, the customer (cash customer or otherwise) gets an amount of fuel that represents the difference between the fixed amount he selects and the option items he purchases. In contrast, in Wilson, the cash customer provides payment, and, once his tank is full or he stops paying gas, a credit for any amount of cash he paid and what he pumped is tracked using transponder technology. Rather than making up for the deficiency, the Kazumi reference is very much like Wilson. Specifically, Kazumi tracks the "amount of money not used in a previous deal" (see abstract). For example, if a customer selects a fixed amount of \$20 for gasoline, and the fuel only amounts to \$15, the remaining \$5 is applied to a customer account (accessible via a credit-card like device) rather than going to the store clerk and asking for change. Then, at a later transaction, if the same customer selects a fixed amount of \$25 for gasoline, and the fuel amounts to \$30, then instead of going to the store clerk to give him \$5, the \$5 difference is taken from the customer's account.

Absent from both Wilson and Kazumi is the concept of a customer specifying a fixed amount he or she will pay, with the customer being able to easily divide this fixed amount between fuel and other items he purchases. In contrast, both Wilson and Kazumi teach tracking overages to allow the customer to later apply these overages for later purchases.

In view of the above, claims 1, 5, 6, and 8-10 should be in immediate condition for allowance. Reconsideration and allowance at an early date is requested.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Whitham", is written over the typed name.

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